

REMARKS

In the Office Action mailed Dec. 5, 2002, the Examiner stated the information disclosure statement filed on Feb. 5, 2001, failed to comply with 37 CFR 1.98(a)(2).

The Examiner also objected to the specification for having overlapping structures and for failing to provide antecedent basis for claimed subject matter.

Claims 1-4 and 13-16 were rejected under 35 USC 102(a) as being anticipated by International Publication No. WO 98/49208 to Bres et al.

Claims 18, 20 and 22 were rejected under 35 USC 103(a) as being unpatentable over *Bres*.

Claims 13-15 were rejected under the judicially created doctrine of obviousness-type double patenting.

Claims 5-12, 17, 19, 21 and 23 were objected to as being dependent upon a rejected base claim.

After the entry of the cancellation of claims 13-15, claims 1-12 and 16-23 are pending in the present application.

I. Information Disclosure Statement

Contrary to the Examiner's statement, the information disclosure statement (IDS) filed on February 5, 2001, complies with 37 CFR 1.98(a)(2), which requires a legible copy of each reference listed. As discussed with the Examiner over the telephone on February 13, 2003, copies of all references cited were provided in the parent application 09/222,614 (US Patent 6,200,925).

While the cover sheet of US Patent 6,200,925 only lists five references, all of the references cited in the IDS filed on February 5, 2001, were submitted and considered by Examiner Di Verdi in an Office Action mailed June 29, 2000.

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Applicants wish to thank the Examiner for the courtesy of retrieving and considering the majority of the reference listed in the IDS filed on February 5, 2001. Further, as a courtesy to the Examiner, copies of all of the remaining references listed in the IDS are included with this Office Action response.

Applicants wish to bring the Examiner's attention to the fact that the two International Patent Publications listed in the IDS filed on February 5, 2001, but not yet considered by the Examiner have typographical errors in their numbers. The reference listed as "WO 97/4761" should be "WO 97/47661." The reference listed as "WO 985637" should be listed as WO 98/56837."

Applicants respectfully request that the Examiner consider the enclosed references.

II. Objection to the Disclosure

The Disclosure is objected to because of the formulas on page 20 overlap. In response, Applicants request entry of the amendment above to correct this obvious error. Applicants assert that insofar as these structures are correctly depicted elsewhere in the specification, correction as requested above will not introduce new matter thereto. Accordingly, Applicants assert that this ground of rejection should now be removed.

The Disclosure is also objected to as failing to provide proper antecedent basis for certain claimed subject matter. Applicants respectfully traverse this objection and respectfully submit that the specification provides proper antecedent basis for all of the claimed subject matter.

With regard to the species 1-octene as set forth in claim 2, Applicants point the Examiner's attention to the specification at p. 6, ln. 3, ("the formula $RCH=CHR^1$ "), the definition of R and R^1 at p. 6, ln. 8-9, and the definition of hydrocarbonyl at p. 12,

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ln. 25-30. The species 1-octene is described by the formula RCH=CHR^1 where R^1 is hydrogen and R is a C_6 hydrocarbyl group.

With regard to the first three species in claim 10, Applicants point the Examiner's attention to the specification at pp. 6 and 17 (subspecies IX), the definition of G^1 on pp. 7 and 18, and the definition of hydrocarbyl or substituted hydrocarbyl on pp. 12 and 13. The first and second structures in claim 10 are described by the subgenus IX where G^1 is substituted hydrocarbyl and thereby forming a 5-membered heterocyclic ring comprising G^1 , C, and N. The third structure in claim 10 is described by the subgenus IX where G^1 is hydrocarbyl and thereby forming a 6-membered heterocyclic ring comprising G^1 , C, and N.

With regard to the species of claim 12, Applicants point the Examiner's attention to the specification at p. 6 (subgenus XXII), the definition of R^3 on p. 6, the definition of hydrocarbyl on p. 12, the definition of n and V on p. 7, the definition of G^2 on pp. 7 and 13, and the definition of Ω on p. 23. The species recited in claim 12 are described by the subgenus XXII where R^3 comprises a C_6 aryl "substituted with one or more groups selected from C_1 - C_{20} alkyl," where n is equal to 2, where Ω is defined as the first benzene ring shown on p. 23, where G^2 comprises either $-\text{CH=CH}-$ or $-\text{CH=N}-$, and where V is $-\text{CR}^6$ where R^6 is hydrogen.

III. Rejection of Claims 1-4 and 13-16 under 35 USC 102(a)

The rejection of claims 1-4 and 13-16 under 35 USC 102(a) as being anticipated by International Publication No. WO 98/49208 to Bres *et al.* is respectfully traversed.

Claims 13-15 have been cancelled.

Further in order to expedite the prosecution of this application, claim 1 has been amended to remove the structure XIV. As a result, claims 1-4 and 16 are no longer anticipated by Bres.

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Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-4 and 13-16 under 35 USC 102(a) as being anticipated by *Bres*.

IV. Rejection of Claims 18, 20 and 22 under 35 USC 103(a)

The rejection of claims 18, 20 and 22 under 35 USC 103(a) as being unpatentable over International Publication No. WO 98/49208 to *Bres et al.* is respectfully traversed.

As discussed above, Applicants have amended claim 1 to remove the structure XIV. As a result, claims 18, 20 and 22 are no longer unpatentable over *Bres*.

Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 18, 20 and 22 under 35 USC 103(a) as being unpatentable over *Bres*.

V. Double Patenting

The rejection of claims 13-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-46 of U.S. Patent No. 6,244,871, is rendered moot.

Applicants have canceled claims 13-15 without prejudice to or disclaimer of the subject matter contained therein.

VI. Objections to Claims 5-12, 17, 19, 21 and 23

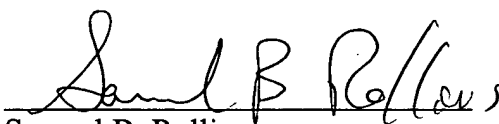
Applicants respectfully traverse the objection to claims 5-12, 17, 19, 21 and 23 as being dependent upon a rejected base claim. As discussed above, claims 1-4, 16, 18, 20 and 22 are no longer anticipated or rendered obvious by *Bres*. Thus claims 5-12, 17, 19, 21 and 23 are no longer dependent upon a rejected base claim.

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VII. Conclusion

In summary, Applicants request entry of the above Amendments, consideration of the Remarks, removal of the rejections, and passage of the application to issuance.

Respectfully submitted,



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